



### Frequently Asked Questions (FAQ):

#### 2014 fair housing testing conducted by the Seattle Office for Civil Rights

##### What is a fair housing test?

A fair housing test is a tool to learn more about illegal housing discrimination. One way of testing uses paired testers posing as prospective renters to measure differences in the services they receive from leasing agents, as well as the information they receive about vacancies, rental rates, terms and other conditions. These matched pairs of testers have similar rental profiles in every respect, except for their race, national origin, disability, sexual orientation, etc.

##### What types of discrimination were tested?

In 2014, the Seattle Office for Civil Rights (SOCR) contracted with the Fair Housing Center of Washington to conduct fair housing tests. The Fair Housing Center conducted a total of 124 tests, focusing on several different groups protected under national and/or local fair housing laws: race, national origin, sexual orientation and gender identity.

##### What were the test findings?

###### Race: total tests=42

- Positive Tests: 27 of 42 (64% showed evidence of different treatment)
- Negative Tests: 15 of 42 (36% showed no evidence of different treatment)

###### National origin: total tests=43

- Positive Tests: 29 of 43 (67% showed evidence of different treatment)
- Negative Tests: 14 of 43 (33% showed no evidence of different treatment)

###### Sexual orientation: total tests=30

- Positive Tests: 19 of 30 (63% showed evidence of different treatment)
- Negative Tests: 11 of 30 (37% showed no evidence of different treatment)

###### Gender identity: total tests=9

- Positive Tests: 6 of 9 (67% showed evidence of different treatment)
- Negative Tests: 3 of 9 (33% showed no evidence of different treatment)

##### What were examples of different treatment that testers experienced?

Testers are posing as prospective renters, so the different treatment they experience depends on the information they receive from landlords and the questions they are asked. For example:

- African American and Latino testers were told about criminal background and credit history checks more frequently than the white testers. They also were asked more often about their spouses' employment history (especially with Latino testers). They also were shown and told about fewer amenities, provided fewer applications and brochures, were shown fewer vacant units. In some cases, the prices quoted were higher for the same unit.
- Testers for sexual orientation and gender identity were shown fewer amenities, provided fewer applications and brochures, and were shown fewer vacant units. In some cases, the prices quoted were higher for the same unit.

### **Why does this different treatment matter?**

It's important to note that finding an instance of different treatment does not mean that a landlord discriminated illegally. It *does* mean that testers experienced inconsistencies that favored them in a familiar pattern: testers who were perceived as white, born in the U.S., straight or gender-normative had more favorable experiences.

Different treatment matters. Being quoted a higher rent because of your race, national origin, sexual orientation or gender identity is no small thing; nor is being told about a requirement for a criminal background check simply because you are black or Latino. These test results are not isolated incidents – they demonstrate patterns of behavior that have profound impact on people's lives. Equitable housing opportunities are critical for Seattle's residents to thrive.

### **When was testing conducted?**

The tests occurred between January and June, 2014.

### **How were the properties chosen for testing?**

Fair Housing Center of Washington made a random selection of properties with vacancies from zip codes within Seattle city boundaries.

### **Why did the City of Seattle conduct this testing?**

Most fair housing enforcement is complaint-driven; the Seattle Office for Civil Rights, for example, conducts an investigation only after someone has contacted us alleging discrimination against a specific housing provider.

Testing gives us a different picture of local housing providers' policies and practices. When families or individuals try to rent an apartment, they have no way to tell if the information they're told is the same as what other applicants are hearing. Testing gives Seattle residents a better assessment of fair housing conditions overall, and it helps guide the City to create more fairness in the rental market.

As a community, we cannot afford to allow rental agents to make decisions based on applicants' race, national origin, sexual orientation, gender identity or other illegal reasons. These test

results hurt us all. They confirm that housing discrimination still exists in Seattle, and knowing this helps us to rededicate ourselves to work for greater fairness across our community.

### **Who are the testers, and what do they do?**

Testers are hired and trained by the testing agency. Individuals who serve as testers cannot have connections to the real estate industry. Testers are given Renter Profiles that specify the type of housing they're looking for, as well as details of their income, work and family circumstances, etc. Testers then present themselves to the rental managers at the selected sites and ask about available housing. They stick to their script and record their testing experiences in detail on a standardized form. Following the tests, the testing coordinator debriefs each tester about the details of the site visit. The testing coordinator then analyzes the results and sends them to SOCR.

SOCR reviewed all the detailed test reports as well as the overall results. SOCR ordered re-tests in situations that showed initial evidence of discriminatory practices. The decision to file charges based on the test results rests with SOCR.

### **What gives you the authority to test private properties?**

The courts have consistently determined that testing is a legitimate and lawful activity, and that fair housing enforcement agencies may conduct testing. Seattle Municipal Code (Chapter 14.08) authorizes the Office for Civil Rights to enforce the City's fair housing laws. SOCR also contracts with the U.S. Department of Housing and Urban Development (HUD) to enforce federal fair housing laws within Seattle.

Sometimes people ask whether fair housing testing is a form of entrapment. The answer is NO. Entrapment means to entice or persuade someone to do something illegal which they might not otherwise do. Fair housing testing looks at residential property managers' everyday procedures to determine their normal, routine business practices.

### **What will SOCR do with the results of the tests?**

SOCR filed charges against 13 local properties with the Washington State Human Rights Commission, which is conducting its own independent investigations.

We have sent letters to all property owners who were tested informing them of their individual test results. We have offered to meet with managers whose test results showed some evidence of discrimination to evaluate their rental process and to provide fair housing resources to help them to improve their policies and procedures. The Rental Housing Association of Washington has agreed to work with SOCR to promote fair housing to its membership.

In addition, SOCR is working with the City's Office of Housing and Mayor Murray's Housing Affordability and Livability Agenda to develop policies that address barriers to housing. The Housing Affordability and Livability Advisory Committee will deliver its recommendations to the Mayor and City Council by May 29, 2015.

The City budget includes \$50,000 to conduct testing on an annual basis.

**What is the Seattle Office for Civil Rights?**

In addition to enforcing civil rights labor standards, SOCR promotes racial and social justice for everyone in Seattle through education, policy work and the Race and Social Justice Initiative.